

Biennial Performance Report

Section 3: Disproportionality 34 CFR §300.755

General Instructions:

States are to use Table 3 when reporting disproportionality in this Biennial Performance Report. Table 3 is a template that can be accessed electronically at <http://www.ed.gov/offices/OSERS/OSEP/Monitoring/>. Only data from the most current grant year (July 1, 2000 through June 30, 2001) of the two grant years are to be reported on Table 3. **If the State has written a performance goal for disproportionality and the goal, with supporting data, is included on Table 1, Table 3 of the Biennial Performance Report does not have to be completed. However, in such instances all reporting requirements found in Steps 1-4 in the general instructions for Section 3: Disproportionality must be met.** For example, on Table 3, in the cell labeled Performance Data, enter the disproportionality goal number and a short explanation indicating that the reporting requirements for Section 3 are covered in Section 1, e.g. "Goal #7 on Table 1 addresses disproportionality and the supporting data includes all reporting requirements found in Steps 1-4 in Section 3 of the Biennial Performance Report." The remaining portion of Table 3 would be left blank.

When completed, Table 3 should contain multiple pages with possible attachments.

Step 1: In the cell labeled Performance Data, on Table 3, provide disproportionality data for the most current year (July 1, 2000 through June 30, 2001) **that is crosstabulated by setting and race/ethnicity**. Data that are analyzed and used in this cell of the Biennial Performance Report must be the same data that are reported on Table 1, Report of Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act, and Table 3, Part B, Individuals with Disabilities Education Act Implementation of FAPE Requirements of the Annual Report of Children Served for SY 2000-2001. Tables 1 and 3 of the Annual Report of Children Served can be found at <http://www.ed.gov/offices/OSERS/OSEP/Monitoring/>. If an attachment is used to provide data, enter "Refer to attached Disproportionality Table" in the cell labeled Performance Data on Table 3.

Step 2: When analyzing **State** level data that are reported on Tables 1 and 3 as indicated above, States are to:

- Identify children as children with a particular impairment;
- Determine the placement of those children in a particular educational setting;
- Complete a percent distribution of race/ethnicity across the **State's child count population** (with all race/ethnicity categories adding up to 100%);
- Complete a percent distribution of race/ethnicity for the **State's general student population** (with all race/ethnicity categories adding up to 100%); then
- Multiply the **State** percentages of any category/data cell involving race/ethnicity, in the **State's general population** percentage distribution, by .2.¹ The product (in percentage) is then added to and subtracted from the percentage found in the category/data cells involving race/ethnicity for the State's **general population** percentage distribution. Any percentage, in the State's child count population percent distribution, found to be over the sum or under the difference in the State's general population percentage distribution, creates a trigger in an area that the State should study.

For example, if 30% of the State's **general population** percentage distribution is Black (not Hispanic), multiply 30% x .2. Any category/data cell involving Black (not Hispanic), in the State's **child count** population percentage distribution, that is over 36% or under 24% would

¹The ".2" factor was selected as a means to provide consistency in reporting across all States. In some instances in small districts the ".2" factor may suggest a discrepancy where, in truth, the numbers are so small there is no need for concern.

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indicate the need for review and the possible revision of policies, procedures, and practices used in the identification or placement of children.

Step 3: In the cell labeled Explanation/Discussion for Disproportionality Data, on Table 3, describe the results of the **State-level** examination of data that the State collected (in Step 2) to determine if significant disproportionality based on race is occurring in the State with respect to the identification and placement of children with disabilities. Include a description of findings in the following categories:

- The identification of children as children with disabilities,
- The identification of children as children with a particular impairment, and
- The placement of children in a particular educational setting.

If the State needs to explain the performance data, the explanation should be provided in this section.

Step 4: In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in the cell labeled Disproportionality Performance Targets/Benchmarks, on Table 3, show how the State has used the information on the State's performance to make adjustments or improvements in programs, policy, or practice, if appropriate. For example, the State may review district-level data to determine where significant disproportionality may exist within the State; and, if appropriate, require the revision of policies, procedures, and practices in those districts.

Also provide the performance target and related benchmarks the State has set in regard to the identified disproportionality. The performance target is a long-range effect the State is hoping to accomplish in regard to **disproportionality rates** for students with disabilities. Benchmarks are measures that will enable the State to determine, from short-term effects, if the performance target will be met in regard to **disproportionality rates**.

Source of Data (Information purposes only):

2001 Annual Report of Children –

Table 1: Report of Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities;

Table 3: Part B, Individuals with Disabilities Education Act Implementation of FAPE Requirements

Cross-Reference Data (Information purposes only):

Continuous Improvement Monitoring Process – State's Self-Assessment

Part B – Free Appropriate Public Education in the Least Restrictive Environment

BF.10.C. Is the percentage of children with disabilities, by race/ethnicity, receiving special education comparable to the percentage of children, by race/ethnicity, in the general population?